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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,323	01/09/2004	Brett W. Sareyka	0326	7488
7590 Eugene Chovanes Jackson and Chovanes Suite 319 One Bala Plaza Bala Cynwyd, PA 19004-1455		EXAMINER CHAPMAN, JEANETTE E		
		ART UNIT 3633		
		MAIL DATE 01/08/2009		
		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/754,323

Applicant(s)

SAREYKA ET AL.

Examiner

Jeanette E. Chapman

Art Unit

3633

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al (4601153)

Dunn et al discloses a method of forming a connection in a suspended ceiling grid 10 between cross beams 12 and a main beam 11, using a connector 31 on the end of a cross beam 12 that is stabbed through a slot 25 in a main beam 11, and that locks the connector separately

(1) to the main beam by means of a straight locking latch 40 on the connector that, as the connector is stabbed through the slot 25,

a. engages a side of the slot 25, and

b. pivots from a base in the connector at a bend shown in figure 3; and

(2) to an opposing identical second connector 31 already in the slot 25;

wherein the improvement comprises a bend in the form of an arc, figure 3;

Column 4, line 34 states that tab 40 is bent from the plane of the tongue or connector 31. Hence, the locking latch pivots along the arc toward the base as the connector is stabbed through the slot.

Such improvement delays contact between the side of the slot and the locking latch :

.... while a taper on the connector being stabbed through the slot positions the

connector vertically within the slot more quickly than without the delay: so that a longer lever arm is created to apply force to pivot the locking latch as it is stabbed through the slot than would be created without the delay:so that the lateral friction created between the connector already in the slot and the connector that is being stabbed through the slot, is substantially reduced from the lateral friction created without the delay; so that during the delay, the connector being stabbed through the slot can be adjusted vertically to a position where it locks with the connector already in the slot. The methods above require substantially less force over a shorter distance with the improvements to lock the connectors to each other and to the main beam, than is required without the improvements..

Note: compare figure 3 of Dunn et al with figure 1a of applicant. The structure is identical.

Claims 2 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al.

Claims 2 and 8-9 (is/are) rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. Dunn et al. lacks the radius arc and the dimensions of the latch shown in applicant's figure. However, one of ordinary skill in the art would have found it of routine skill to select a radius and dimensions permitting the connector and locking latch to operate optimally and as intended.

Response to Arguments

Applicant's arguments are moot in view of the new ground of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on monday-friday, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GLESSNER BRIAN can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633
